



**CITY COUNCIL
MEETING MINUTES**

JANUARY 5, 2009 7:30 PM

I. CALL TO ORDER

A. Flag Salute

Mayor Peter B. Lewis called the meeting to order at 7:30 p.m. and led those in attendance in the Pledge of Allegiance.

B. Roll Call

Mayor Lewis and the following Councilmembers were present: Rich Wagner, Sue Singer, Gene Cerino, Nancy Backus, Bill Pelozo, Lynn Norman, and Virginia Haugen.

Staff members present included: Human Resources/Risk and Property Management Director Brenda Heineman, Chief of Police Jim Kelly, Information Services Director Lorrie Rempher, Assistant Planning Director Kevin Snyder, Assistant Chief of Police Bob Lee, Public Works Director Dennis Dowdy, Environmental Protection Manager Kelly McLain Aardal, Police Sergeant Mark Caillier, Police Commander Bill Pierson, Storm Drainage Engineer Tim Carlaw, Parks, Arts and Recreation Director Daryl Faber, City Attorney Daniel B. Heid, Finance Director Shelley Coleman, Communications Manager Dana Hinman, Assistant City Attorney Steven Gross, and Deputy City Clerk Cathy Richardson.

C. Announcements and Appointments

1. Announcements

a) Medal of Distinction

Police Chief Jim Kelly read the Auburn Police Department's Medal of Distinction citation issued to Police Sergeant Mark Caillier. Chief Kelly reported on Sergeant Cailliers' heroic act in saving the life of a woman involved in an incident in which her vehicle was nearly submerged in a drainage pond. While

waiting for other officers to arrive on the scene, the woman's vehicle continued to sink and fill with water. The driver was disoriented and in no condition to save herself. Sergeant Caillier entered the cold water without regard to his own personal safety to endeavor to free the driver from the car and pull her to safety on the bank. Sergeant Caillier exhibited outstanding courage and commitment to the Auburn Police Department's core values of professionalism and dedication.

Mayor Lewis presented the Medal of Distinction to Sergeant Caillier and thanked him on behalf of the City of Auburn and its citizens for his outstanding service.

Chief Kelly stated that Sergeant Caillier also received the Medal of Distinction for life saving in January 2000. On behalf of the Auburn Police Department administrative staff, Chief Kelly presented the Command Staff Coin for Excellence in Service to Sergeant Caillier.

Sergeant Caillier was joined by his wife Paula, daughter Ashley, and son John.

- b) Tribute to Former Councilmember Jeanne Barber**
Mayor Lewis reported on the passing of former Councilmember Jeanne Barber. Ms. Barber served on the Auburn City Council from 1991 until 2003 when she retired and moved to Sherman, Texas to be closer to her family. She served as Mayor Pro Tem from 1996 to 2003. Ms. Barber was a mentor to many new Councilmembers. Among other accomplishments, she was instrumental in the passage of the curfew ordinance in the City of Auburn.

Councilmember Backus stated that she met Ms. Barber when she was 16 years old. Over the years, Ms. Barber taught her through her actions, what it meant to be a strong, confident, determined woman. When Ms. Barber lost her son at a young age to a tragic accident, she created the Steve Barber

Memorial Scholarship of which Councilmember Backus was a fortunate recipient. Councilmember Backus expressed her great admiration for Ms. Barber.

Councilmembers paid tribute to Ms. Barber's years of service to the City of Auburn and her many other accomplishments. They expressed their gratitude for her mentorship and stated that it was a privilege to work with Ms. Barber who knew how to get things done and whose words were always kind and wise. Ms. Barber was instrumental in fostering respect amongst Councilmembers. The loss of Ms. Barber is great and she will be missed very much.

Mayor Lewis noted that a service will be conducted in Texas on Wednesday and a memorial service will be held for Ms. Barber on Friday, January 9, 2009 at 11:00 a.m. at Fort Lawton Military Cemetery in Discovery Park. Flags in the city will be flown at half mast from Wednesday through Friday in honor of Jeanne Barber.

2. Appointments

City Council to consider the following reappointments for three-year terms expiring December 31, 2011:

- a) **Cemetery Board**
Fred Helser
Kenneth Bradford
- b) **Human Services Committee**
Michael Harbin, Sr.
AJ (Tony) Ladner
- c) **Park & Recreation Board**
Michael Hassen
Paul Wohlhueter
- d) **Planning Commission**
Judi Roland
- e) **Urban Tree Board**
Leonard Elliott

Deputy Mayor Singer moved and Councilmember Wagner seconded to confirm the appointments as listed to the Cemetery Board, Human Services Committee, Park and Recreation Board, Planning Commission and Urban Tree Board.

MOTION CARRIED UNANIMOUSLY. 7-0.

3. Appointments

City Council to consider the following appointments for three-year terms expiring December 31, 2011:

- a) **Urban Tree Board**
Lisa Harmon
- b) **Park & Recreation Board**
John Webley

Deputy Mayor Singer moved and Councilmember Wagner seconded to confirm the appointments of Lisa Harmon to the Urban Tree Board and John Webley to the Park and Recreation Board.

MOTION CARRIED UNANIMOUSLY. 7-0.

D. Agenda Modifications

Agenda modification included transmittal of revised Resolution No. 4437.

II. CITIZEN INPUT, PUBLIC HEARINGS & CORRESPONDENCE

A. Public Hearings

1. Moratorium – Development in 100 Year Floodplains

Resolution No. 4416, adopted November 17, 2008, established an initial six-month moratorium on the filing, receipt, and approval of applications for development within areas of the City located within, in whole or in part, designated 100 year floodplains as determined by the Federal Emergency Management Agency, and set the date for a public hearing January 5, 2009, to consider the moratorium.

Environmental Protection Manager Kelly McLain Aardal reported that, on September 21, 2008, the National Marine Fishery Service (NMFS) issued a biological opinion on the National Flood Insurance Program (NFIP) which is administered by the Federal Emergency Management Agency (FEMA). The NMFS findings were related to the Endangered Species Act (ESA) and found that the NFIP as currently administered was in violation of the ESA and illegal. On October 21, 2008, FEMA sent correspondence regarding the biological opinion to the City of Auburn and 120 other jurisdictions affected by the decision. The correspondence recommended a moratorium on flood plain development until FEMA and NMFS could develop a strategy to deal with inconsistencies between the ESA and NFIP. No completion timeline was provided in the correspondence with regards to strategy development. On November 17, 2008, Auburn City Council adopted an initial six month moratorium on flood plain development, which currently extends through May 17, 2009 and affects any City development related approvals for properties located completely or partially within the flood plain.

Since that time, the City has developed a Flood Plain Review Committee consisting of staff from the Planning, Building and Community, Public Works, and Legal Departments, which meet on a regular basis. Although the Flood Plain Review Committee is not processing current applications or accepting new applications, the Committee reviews each individual circumstance to determine whether the moratorium applies to that application. On December 10, 2008, City staff held a public information meeting on the flood plain moratorium at Les Gove Center. The meeting included a presentation and question and answer session. There were more than fifty members of the public in attendance. Staff also participated in a regional conference call with other affected jurisdictions, including King County and the cities of Auburn, Kent, Renton, Tukwila, Maple Valley, and Burlington. Staff is currently compiling a list of questions from all the jurisdictions to submit to FEMA for response at another regional conference call within the next two weeks.

At 7:51 p.m., Mayor opened the public hearing.

Terry Danysh, 1420 5th Avenue, Suite 3400, Seattle
Mr. Danysh stated that he is the attorney representing the Robertson Properties Group, which is one of the projects affected by the moratorium. Mr. Danysh argued that the October 21 FEMA

correspondence does not require implementation of a moratorium, but suggested that was only one approach that might be taken and also suggested several alternatives. Mr. Danysh suggested that the moratorium does not treat all properties fairly or equally. The Robertson Properties Group project has been pending for several years before the City. City staff has worked very hard to assist the Robertson Properties Group with development of the project and urged them to submit a grading permit application to vest against the FEMA map amendment proposed by NMFS. The moratorium poses a severe threat to the project. The Port of Seattle allows compensatory storage for all run-off from the Robertson Properties Group property to an adjacent Port of Seattle property. The compensatory storage is jeopardized due to the moratorium, and if lost, will jeopardize the project. Mr. Danysh expressed sympathy with the City's position, but urged Council to take the lead with FEMA and NMFS to work towards an area-wide plan. On behalf of the Robertson Properties Group, Mr. Danysh pledged to assist the City in any way they can to resolve the issues.

David Craven, River Mobile Estates, 3611 I Street NE, Auburn
Mr. Craven stated that he is the resident manager of the River Mobile Estates. There are a number of residents concerned about their homes and impacts with regard to repairs to and replacement of some homes. Mr. Craven requested that residents be kept informed with regard to the moratorium. Mr. Craven also expressed concerns regarding a levee project scheduled for spring.

Mara Heiman, 6430 South 287th Street, Auburn
Ms. Heiman stated that the moratorium is based on opinion only. Comprehensive planning can be a choice made by Councilmembers. Ms. Heiman spoke regarding hardships suffered by neighbors due to water damage caused to properties located within the moratorium area. Ms. Heiman also expressed grave concerns regarding future storage of storm water. Ms. Heiman stated that she just wants to sell her property and get out. She urged Council to make a decision that is equitable to the twenty-five homes in her neighborhood.

Kathleen Malek, 320 Western Avenue, Auburn
Ms. Malek spoke regarding water that has been diverted onto her property. Ms. Malek also spoke regarding health issues caused by mildew and the deaths due to cancer of four residents residing on Western Avenue. Ms. Malek spoke regarding a pamphlet distributed to Mayor Lewis and Councilmembers from her real

estate agent related to her property. Ms. Malek urged Council to help residents regarding flooding issues.

Mayor cautioned Ms. Malek that she is speaking regarding an area that is not within the moratorium area.

Joe Schuler, 28014 West Valley Highway, Auburn

Mr. Schuler spoke regarding concerns related to water issues on 285th and 287th and the pond near Oak Harbor Freight Lines. Mr. Schuler stated that the pond is full all year long now, when it used to only be full from May to October. Mr. Schuler also expressed concerns regarding containment of the Green River and Mullens Slough.

Mara Heiman, 6430 South 287th Street, Auburn

Ms. Heiman spoke regarding the Meyers Golf Levy widening project, which was an Army Corp of Engineers levy improvement, and adverse affects the project caused neighboring properties. Ms. Heiman believes that FEMA has overstated their floodplain boundaries on many of the parcels in her neighborhood. Ms. Heiman urged Council to speak to FEMA on behalf of the residents.

Howard Cottier, 181 Old Beaver Valley Road, Port Ludlow

Mr. Cottier stated that he owns property adjacent to Ms. Heiman's property. Mr. Cottier concurred with statements made by Ms. Heiman and urged the City to take the leadership role with FEMA.

No one else in the audience requested to speak

At 8:13 p.m., Mayor Lewis closed the public hearing.

Mayor Lewis instructed staff to develop strategies for proceeding with regard to FEMA and developing a group or partnership with the residential and business communities, including realtors and the Chamber of Commerce, so as to present a united front to FEMA on these issues. Mayor Lewis spoke regarding FEMA punitive actions that occurred in Pierce County. Mayor Lewis instructed anyone in the audience interested in participating on this issue to speak with City staff in the lobby.

B. Audience Participation

This is the place on the agenda where the public is invited to speak to the City Council on any issue. Those wishing to speak are reminded to sign in on the form provided.

Rhonda Witzler, 4821 Kent Des Moines Road, Kent

Ms. Witzler stated that she is the real estate agent representing Kathy and Robert Malek. Ms. Witzler stated that they are trying to reclaim the real estate value of the Malek property which is within the Environmental Park District. Ms. Witzler spoke regarding problems encountered with commercial proposals presented to the Planning Department by potential buyers and expressed concerns that only 35% of the property can be developed. Ms. Witzler urged the City to clean up Western Avenue and requested help from City Council in resolving the Malek's issues.

Mara Heiman, 6430 South 287th Street, Auburn

Ms. Heiman stated that, approximately ten years ago, she expressed concerns regarding the Mill Creek Flood Control Plan, Aquatic Restoration Plan, and Special Area Management Plan (SAMP). Ms. Heiman stated that SAMP was never adopted because property owners could never be compensated for the loss of their property due to water that would be delivered to these areas. Ms. Heiman urged Council to develop a means for compensating property owners for the loss of their properties.

Nancy Colson, 1214 O Street NE, Auburn

Ms. Colson spoke on behalf of the Auburn Symphony Orchestra. Ms. Colson was joined by Board Chair Jim Blanchard and General Manager Lee Valenta. Ms. Colson shared stories related to the development of the Auburn Symphony Orchestra and cultural tourism. Ms. Colson thanked Mayor Lewis and Councilmembers for their continued support over the years.

In response to questions from Mayor Lewis regarding status on the Malek property, Assistant Planning Director Kevin Snyder reported that staff have researched utility and right-of way issues and would be happy to provide that information to Ms. Malek. Assistant Director Snyder also clarified that the 35% coverage relates to the amount of building square footage that can be placed on a property within the Environmental Park District.

C. Correspondence

There was no correspondence for Council review.

III. COUNCIL COMMITTEE REPORTS

A3.7.6

A. Municipal Services

Chair Cerino reported that the December 22, 2008 Municipal Services Committee meeting was cancelled. The next regular meeting of the Municipal Services Committee is scheduled for January 12, 2009 at 4:00 p.m.

B. Planning & Community Development

Chair Norman reported that the December 22, 2008 Planning and Community Development Committee meeting was cancelled. The next regular meeting of the Planning and Community Development Committee is scheduled for January 12, 2009 at 5:00 p.m.

C. Public Works

Chair Wagner reported that the Public Works Committee met this afternoon at 3:00. The Committee discussed and recommends approval of Resolution No. 4434 and Ordinance No. 6222. The Committee also discussed Resolution Nos. 4437 and 4438, 4th St project, water supply strategy, design standards updates, Public Works Stimulus Projects, and capital projects status reports. The next regular meeting of the Public Works Committee is scheduled for January 20, 2009 at 3:00 p.m.

D. Finance

Chair Backus reported that the Finance Committee met this evening at 6:30. The Committee discussed and recommends approval of claims and payroll vouchers, a contract administration agreement, and Resolution Nos. 4437 and 4438. The Committee also discussed a Valley Regional Fire Authority (VRFA) Law Enforcement Officers and Firefighters (LEOFF1) administration issue. The next regular meeting of the Finance Committee is scheduled for January 20, 2009 at 6:00 p.m.

E. Community Center

Chair Wagner reported that the Community Center Committee has not met since his last report. The next Community Center Committee meeting has not yet been scheduled.

F. Downtown Redevelopment

Chair Norman reported that the next Downtown Redevelopment Committee meeting is scheduled for January 22, 2009 at 9:00 a.m.

IV. REPORTS

At this time the Mayor and City Council may report on significant items associated with their appointed positions on state, regional and local organizations.

A. From the Council

Deputy Mayor Singer thanked street crews for their hard work and commended their efforts during the recent snow storms.

Councilmember Pelosa reported on the International Farmer's Market Steering Committee, which is on schedule and on budget. The Committee is meeting or beating their goals. Two candidates will soon be interviewed for manager of the market. The Committee is forming the market Board of Directors and will then apply for 501C3 status. The grand opening is scheduled for Sunday, June 14, 2009 at the Sounder Plaza. Councilmember Pelosa invited interested parties to volunteer.

B. From the Mayor

Mayor Lewis reported that he has been working with several groups regarding the Federal Stimulus Package, including the United States Mayors, National League of Cities, and Association of Washington Cities, to develop project lists for submittal. The projects must be ready to commence within ninety days of federal approval. The City of Auburn submitted projects totaling \$136,000,000 which would create over 2,440 jobs within city limits. Mayor Lewis spoke regarding failing infrastructures throughout the nation. The project focus is on getting people back to work and improving the infrastructure.

V. CONSENT AGENDA

All matters listed on the Consent Agenda are considered by the City Council to be routine and will be enacted by one motion in the form listed.

A. Minutes

- 1. Minutes of the December 15, 2008 regular City Council meeting.**

B. Vouchers

F4.9.2, F4.9.5

1. Claims

Claims check numbers 381381 through 381828 in the amount of \$1,296,188.40 and a wire transfer in the amount of \$4,722.00 and dated January 5, 2009.

2. Payroll

Payroll check numbers 525327 to 525473 in the amount of \$360,933.39 and electronic deposit transmissions in the amount of \$1,163,621.87 for a grand total of \$1,524,555.26 for the pay period covering December 11, 2008 to December 31, 2008.

C. Contract Administration

1. Agreement for Consulting Services

A3.16.6, O4.4.13

City Council approve an Agreement for Consulting Services with Keithly Barber Associates, Inc. to provide Fundamental and Enhanced Commissioning Authority services relating to the Community Center Project.

Deputy Mayor Singer moved and Councilmember Wagner seconded to approve the consent agenda.

Councilmember Haugen commented that she had not had time to read the vouchers and would be voting in opposition to the consent agenda.

MOTION CARRIED. 6-1. Councilmember Haugen voted no.

VI. UNFINISHED BUSINESS

There was no unfinished business.

VII. NEW BUSINESS

There was no new business.

VIII. ORDINANCES AND RESOLUTIONS

A. Ordinances

1. Ordinance No. 6222

O1.2

An Ordinance of the City Council of the City of Auburn, Washington, amending Chapter 10.36 of the Auburn City Code relating to parking of commercial and recreational vehicles and trailers

Councilmember Wagner moved and Councilmember Cerino seconded to introduce and adopt Ordinance No. 6222.

Councilmember Cerino spoke regarding commercial and recreational vehicle parking on unimproved shoulders. If businesses are required to provide parking spaces, then those warehousing areas needing the use of additional parking areas for semi-trucks along the road should be required to provide improved shoulders for that purpose.

MOTION CARRIED UNANIMOUSLY. 7-0.

B. Resolutions

1. Resolution No. 4434

O3.10.9

A Resolution of the City Council of the City of Auburn, Washington setting a public hearing to consider a Public Way Agreement with Northwest Pipeline G.P.

Councilmember Wagner moved and Councilmember Cerino seconded to adopt Resolution No. 4434.

MOTION CARRIED UNANIMOUSLY. 7-0.

2. Resolution No. 4437

A3.16.5

A Resolution of the City Council of the City of Auburn, Washington, authorizing the Mayor and City Clerk to execute a contract with Auburn Symphony Orchestra for tourism promotion services

Councilmember Backus moved and Councilmember Pelosa seconded to adopt Resolution No. 4437.

MOTION CARRIED UNANIMOUSLY. 7-0.

3. Resolution No. 4438

F4.6.1

A Resolution of the City Council of the City of Auburn, Washington, declaring certain items of property as surplus and authorizing their disposal

Councilmember Backus moved and Councilmember Pelosa seconded to adopt Resolution No. 4438.

MOTION CARRIED. 6-1.

Councilmember Haugen voted no.

IX. ADJOURNMENT

There being no further business to come before the Council, the meeting adjourned at 8:44 p.m.

APPROVED THE _____ DAY OF JANUARY 2009.

Peter B. Lewis, Mayor

Cathy Richardson, Deputy City Clerk

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